

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONTINENTAL CASUALTY CO. ET. AL.,
Plaintiff,

-V-

AL-QAIDA, ET AL.

Defendants..

FILED
U.S. DISTRICT COURT

2005 MAR 23 P 12:49

CERTIFICATE OF MAILING
S.D. OF N.Y.

03 md 1570
04cv 5970(RCC)

EEF

I, J. Michael McMahon, Clerk of Court for the Southern District of New York, do hereby certify that on the

March 23, 2005

I served the

SUMMONS & COMPLAINT

**NOTICE OF SUIT, CERTIFICATE OF AUTHENTICITY FROM TRANSLATOR
AND \$735 CHECK PAYABLE TO THE U.S. EMBASSY-KHARTOUM**

pursuant to the foreign sovereign immunities Act (28 U.S.C. §1608(a)(4)) filed and issued herein on the

December 20, 2004

by mailing by registered mail, return receipt requested, at the United States Post Office, Chinatown Station, New York, NY, a copy of each thereof, securely enclosed in a post-paid wrapper addressed to:

See attached for listing of Defendants

That annexed to the original hereof is registered mail receipt(s)

cert. #

#7002 2410.0002 6964 2649 #

(Chinatown Station) that was issued at my request as aforementioned.

J. Michael McMahon

CLERK

Dated: New York, NY

NOTICE OF SUIT

1. The title of this proceeding is Continental Casualty Co. v. Al Qaeda Islamic Army, docket no. 04-CV-5970 (RCC), United States District Court, Southern District of New York. It is also part of a multidistrict litigation entitled In re Terrorist Attacks on September 11, 2001, docket no. 03 MD 1570, United States District Court, Southern District of New York.
2. The party being served is the Republic of the Sudan.
3. The other parties to this action are set forth in the accompanying Summons and Amended Complaint.
4. The documents being served are a Summons and an Amended Complaint.
5. You are being named as a defendant in this lawsuit because the plaintiffs believe that you provided support and assistance to the perpetrators of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001. Plaintiffs seek damages against you and the other defendants in excess of \$212,500,000.
6. A response to the Summons and Complaint is required to be submitted to the court not later than 60 days after these documents are received. The response may present jurisdictional defenses (including defenses relating to state immunity).
7. The failure to submit a timely response with the court can result in a Default Judgment and a request for execution to satisfy the judgment. If a default judgment has been entered, a procedure may be available to vacate or open that judgment.

8. Questions relating to state immunities and to the jurisdiction of United States courts over foreign states are governed by the Foreign Sovereign Immunities Act of 1976, which appears in sections 1330, 1391(f), 1441(d), and 1602 through 1611, of Title 28, United States Codes (Pub.L. 94-583; 90 Stat. 2891).

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
OFFICE OF THE CLERK
500 PEARL STREET
NEW YORK, NEW YORK 10007**

**J. MICHAEL MCMAHON
CLERK**

March 23, 2005

Edward A. Betancourt
Director of Special Consular Services
United States Department of State
Office of Citizens Consular Services
2100 Pennsylvania Avenue
SA-29-4F
Washington, D.C. 20520

**Re: Continental Casualty Co. v. Al Qaeda Islamic Army
04 Cv. 5970**

Dear Sir/Madam:

Enclosed please find one copy of each of the following documents in the above-referenced case. I am hereby requesting that you serve them upon:

The Republic of the Sudan
Ministry of External Affairs
Dr. Mustafa Osman Ismail
P.O. Box 873
Khartoum, Sudan

Pursuant to 28 U.S.C. § 1608(a)(4):

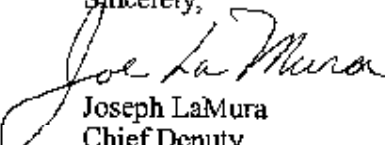
Summons
Complaint
Notice of Suit
Certificate of Authenticity from translator
\$735.00 check payable to the U.S. Embassy-Khartoum

The above-referenced documents have been translated into Arabic, Sudan's official language.

With regard to FSLA §1608(a)(3), the United States Postal Service has strict weight limitations on what it will deliver to Sudan, and those weight limitations preclude service of the pleadings we wish to serve on Sudan.

If there are any questions, you may contact me at (212) 805-0140

Sincerely,



Joseph LaMura
Chief Deputy

Enc.

FERBER FROST CHAN & ESSNER, LLP

330 FIFTH AVENUE
NEW YORK, NEW YORK 10036-5101

TEL: (212) 944-2200
FAX: (212) 944-7630

March 22, 2005

BY HAND

Ms. Ann Ford
Clerk of the Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Continental Casualty Co. v. Al Qaeda Islamic Army, 04 Civ. 5970

Dear Ford:

Pursuant to our telephone conversation yesterday, I enclose the additional materials you require in order to effectuate service in the above referenced lawsuit on defendants the Islamic Republic of Iran and the Republic of the Sudan pursuant to the Foreign Sovereign Immunities Act ("FSIA"), 28 U.S.C. §1608(a)(1).

With regard to Iran, I enclose a box to be used to transmit the documents you already have to the State Department, along with a self-addressed stamped envelope for a copy of the diplomatic note of transmittal.

With regard to the Sudan, I enclose an additional copy, in both English and Arabic, the official language of the Sudan, of the summons, amended complaint and notice of suit, as well as an additional copy of the notarized certification by the translator stating that the translations are complete and accurate (the certifications as to the summons and amended complaint are appended to the last page of the amended complaint), a certified check payable to the U.S. Embassy-Khartoum in the amount of \$735 and postal service form 3811. I also enclose a box for your use in transmitting the materials to the Secretary of State's office as follows:

Edward A. Betancourt
Director of Special Consular Services
U.S. Department of State
2100 Pennsylvania Avenue

FERBER FROST CHAN & ESSLER, LLP

Ms. Ann Ford
March 22, 2005
Page 2

SA-29-4F
Washington, D.C. 20520

It is my understanding that, upon receipt from your office, the Secretary of State will transmit these documents through diplomatic channels to the Sudan. Once service has been effectuated, the Secretary of State will send to you a certified copy of the diplomatic note indicating when, where, and on whom the papers were served.

Please request the Director of Special Consular Services at the U.S. State Department, to transmit the enclosed materials to the Sudan, at the following address:

U.S. Postal Service[®]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	\$ 7.90	UNIT ID: 0004
Certificat Fee	2.70	Postman
Return Rec and Fee (if outside Required)	1.75	Class: RM52T
Postage Delivery Fee (Endorsement Required)		03/23/05
Total Postage & Fees	\$ 11.95	

Sent to EDWARD A. BOYANCO, JR., Dir. of Special Consular Services
Street, Apt. No. U.S. DEPARTMENT OF STATE
or PO Box No. 2100 PENNSYLVANIA AVE.
City, State, Zip+4 WASHINGTON, D.C. 20520
PS Form 3800, June 2003 See Reverse for Instructions

of the Sudan
xternal Affairs
Osman Ismail
Sudan

o you a certified copy of the diplomatic note of
to us a copy of the certification for our records
ovided for your records.

here are any questions, please do not hesitate to

Very truly yours,

Robert M. Kaplan